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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

MARK GONZALEZ,

Defendant.

21 CR 288 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

Defendant Mark Gonzalez's ("Defendant") sentencing in the above-captioned matter, which is currently scheduled for January 19, 2023, at 11:30 a.m., is hereby adjourned to March 15, 2024, at 11:00 a.m. Defendant is hereby directed to submit his sentencing memorandum by March 1, 2024.


The Court denies Defendant's request for a Fatico hearing at this time. The Court may choose reconsider whether to schedule a Fatico hearing after Defendant has filed his sentencing submission. In order to provide guidance to pro se Defendant, the Court observes that a Fatico hearing may be warranted if, in his forthcoming sentencing submission, Defendant raises specific factual objections to his eligibility for safety valve relief. However, a Fatico hearing will not be warranted if Defendant challenges only the offense to which he pleaded guilty (i.e., if Defendant argues that he is not guilty of violating § 841(b)(1)(a)

because he is responsible for less than 40 grams of fentanyl), or if Defendant's challenges to his safety valve eligibility is purely legal in nature.

The Clerk of Court is respectfully directed to mail a copy of this Order, as well as a copy of the Court's Decision and Order at Dkt. No. 140, to Mark Gonzalez, Register Number 46404-509, MDC Brooklyn, 80 29th Street, Brooklyn, New York 11232.

SO ORDERED.

Dated: 14 December 2023
New York, New York



Victor Marrero
U.S.D.J.